

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

SHANE ROBERT SMITH,  
a/k/a Robert Smith,

Defendant.

) Criminal No. **15-CR-333(MAD)**

) **Indictment**

) Violations: 18 U.S.C. §§ 922(o), 924(a)(2)  
) [Illegal Possession of a  
) Machinegun]  
) 26 U.S.C. §§ 5845(a)(7),  
) 5861(d), and 5871  
) [Possession of an Unregistered  
) Firearm (Silencer)]

) 3 Counts & Forfeiture Allegation

) County of Offense: Washington

**THE GRAND JURY CHARGES:**

**COUNT 1**

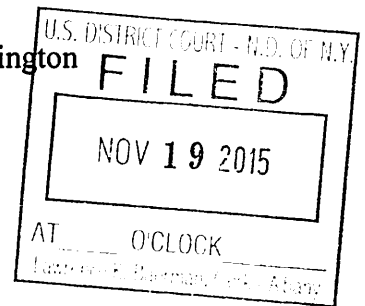
**[Illegal Possession of a Machinegun]**

On or about August 6, 2015, in Washington County in the Northern District of New York, the defendant, **SHANE ROBERT SMITH, a/k/a Robert Smith**, did knowingly possess a machinegun, that is a Military Armament Corporation MAC 10 machinegun bearing serial number 1-3003144, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

**COUNT 2**

**[Illegal Possession of a Machinegun]**

On or about August 6, 2015, in Washington County in the Northern District of New York, the defendant, **SHANE ROBERT SMITH, a/k/a Robert Smith**, did knowingly possess a machinegun, that is a Colt M16 model A2 machinegun, bearing serial number 8001114, in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).



**COUNT 3**  
**[Possession of an Unregistered Firearm]**

On or about August 6, 2015, in Washington County in the Northern District of New York, the defendant, **SHANE ROBERT SMITH, a/k/a Robert Smith**, did knowingly possess an unregistered firearm, that is a silencer bearing serial number S1-3001354, which was not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5845(a)(7), 5861(d) and 5871.

**FORFEITURE ALLEGATION**

1. The allegations contained in Counts 1 through 3 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1); Title 26, United States Code, Section 5872; and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2) set forth in Counts 1 and 2 of the Indictment, and the offense in violation of Title 26, United States Code, Sections 5845(a)(7), 5861(d), and 5871 set forth in Count 3 of the Indictment, the defendant, **SHANE ROBERT SMITH, a/k/a Robert Smith**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1); Title 26, United States Code, Section 5872; and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in the knowing commission of the offense, including but not limited to:

- a. One Military Armament Corporation MAC 10 machinegun, bearing serial number I-3003144;
- b. One suppressor for the Military Armament Corporation MAC 10, bearing serial number S1-3001354;

- c. One Colt M16 model A2 machinegun, bearing serial number 8001114;
  - d. One Beretta model 92Fs, bearing serial number BER 4245882; and
  - e. 120 rounds of Green Tip ammunition in pouch ID # 3/10HMG.
3. If any of the property described above, as the result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property that cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 29, United States Code, Section 2461(c).


Dated: November 19, 2015

A TRUE BILL, \*\*\*REDATED\*\*\*

  
Grand Jury Foreperson

RICHARD S. HARTUNIAN  
United States Attorney

By:

  
Sean O'Dowd  
Assistant United States Attorney  
Bar Roll No. 518067